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TOWN OF NEW WINDSOR  
ZONING BOARD OF APPEALS  
FEBRUARY 8, 2010

MEMBERS PRESENT: MICHAEL KANE, CHAIRMAN  
FRANCIS BEDETTI, JR.  
PAT TORPEY  
JAMES DITTBRENNER (ARRIVING LATE)

ALSO PRESENT: ANDREW KRIEGER, ESQ.  
ZONING BOARD ATTORNEY

NICOLE JULIAN  
ZONING BOARD SECRETARY

JENNIFER GALLAGHER  
BUILDING INSPECTOR

ABSENT: LEN MCDONALD

REGULAR\_MEETING

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MR. KANE: I'd like to call to order the February 8,  
2010 meeting of the New Windsor Zoning Board.

APPROVAL\_OF\_MINUTES\_DATED\_1/11/10

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MR. KANE: Motion to accept the minutes of January 11,  
2010 as written.

MR. BEDETTI: So moved.

MR. TORPEY: Second it.

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ROLL CALL

MR. BEDETTI	AYE
MR. TORPEY	AYE
MR. KANE	AYE

PRELIMINARY\_MEETINGS:

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MICHAEL\_OSTRANDER\_(10-05)  
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MR. KANE: Tonight's first preliminary meeting is Michael Ostrander request for a proposed 12 x 25 foot rear deck. A variance is required for the rear yard of 50 feet, the proposed deck will be 42 feet from the rear property line. A variance of 8 feet is required at 47 Merline Avenue.

Mr. Michael Ostrander appeared before the board for this proposal.

MR. KANE: Basically, what we do in New Windsor is we hold two meetings. We hold a preliminary meeting and we hold a public hearing. A lot of towns it's just a public hearing, if you walk in unprepared, you lose. So here we get a good idea to see what you want to do and you can ask any questions and then by law everything we decide has to be done at a public hearing. Then we'll set you up for a public hearing. So tell us exactly what you want to do, speak loud enough for this young lady to hear you, we're in a different place.

MR. OSTRANDER: There was an existing deck, there was a violation, part of my home mortgage it's a renovation loan and everything has to be by code. So I had to rip the deck down anyway but I added that into the cost of a new deck so I just put in the building permit, it was denied and I'm going for a variance.

MR. KANE: First basic question, cutting down any trees, substantial vegetation? I know you're replacing a deck but we've got to ask anyway.

MR. OSTRANDER: Nothing in the way, sir.

MR. KANE: Creating and water hazards or runoffs?

MR. OSTRANDER: No, sir.

MR. KANE: Any easements going through the area where you plan to build the deck?

MR. OSTRANDER: No, sir.

MR. KANE: It's a 12 x 25 deck, is the 12 feet coming out from the back of the house?

MR. OSTRANDER: Yes, sir.

MR. KANE: So that's basically a 12 x 25 deck which is similar in size and nature to other decks that are in your neighborhood?

MR. OSTRANDER: That I don't know, sir.

MR. KANE: Approximately?

MR. OSTRANDER: I would have to say so.

MR. KANE: And that you would consider an average size deck 12 x 25?

MR. OSTRANDER: Yes.

MR. KRIEGER: This is only the preliminary, you'll be asked the same questions at the final then you'll be able to say yes or no, right?

MR. OSTRANDER: Yes.

MR. KRIEGER: That's why they have a preliminary.

MR. KANE: These are your pictures?

MR. OSTRANDER: Yes.

MR. KANE: Did the old deck cover the stairs?

MR. OSTRANDER: Yes, sir it did.

MR. KANE: Any further questions from the board?

MR. BEDETTI: How does this deck compare in size to the original deck that was there?

MR. OSTRANDER: The only difference is instead of it coming out 12 foot in one spot there was a little say 4 X 4 square I just added 4 X 4 to what was there.

MR. BEDETTI: Basically the same?

MR. OSTRANDER: Yes, sir, basically the same.

MR. KANE: Here's the pictures, that's where the deck was.

MR. BEDETTI: Couple of these pictures are in the folder, okay.

MR. KANE: Any further questions at this point? No? I'll accept a motion.

MR. TORPEY: I'll make a motion that we schedule a public hearing for Michael Ostrander for a request for a proposed 25 x 12 rear deck.

MR. BEDETTI: I'll second that.

ROLL CALL

MR. BEDETTI                    AYE

MR. TORPEY                    AYE

MR. KANE                      AYE.

MS. JULIAN: I'll call you with the mailings.

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MR. KANE: Alright, she'll give you a call.

MR. OSTRANDER: Thank you very much.

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DAVID\_&\_ROBERTA\_SHORT\_(10-06)

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MR. KANE: Tonight's next preliminary meeting David and Roberta Short, single family dwelling with sunroom. Required side yard is 20 foot, required rear yard is 50 feet. The existing sunroom is 15 feet from the side property line and 22 feet from the rear property line. A variance of five feet side yard and 28 foot rear yard is requested at 87 Blanche Avenue. David and Roberta Short? Okay, we'll put that one on hold.

PUBLIC HEARINGS:

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CLASSIC\_HOME\_BUILDERS\_(ANTHONY\_FAYO)\_(10-03)

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MR. KANE: Public hearings, tonight's first public hearing is Classic Home Builders request for a variance for an existing building lot that does not meet minimum lot size, minimum lot width, minimum side yard or minimum requested side yard at 244 Bull Road.

Mr. Anthony Fayo appeared before the board for this proposal.

MR. KANE: Is there anybody here for this particular hearing? Okay, same as the preliminary.

MR. KRIEGER: Is Classic Home Builders a corporation or not?

MR. FAYO: LLC.

MR. KRIEGER: And you're its president?

MR. FAYO: I'm a member, my brother's also a member.

MR. KRIEGER: But you're an officer, right?

MR. FAYO: Yes.

MR. KRIEGER: That's what I needed to know, thank you.

MR. KANE: You want to tell us exactly same as the preliminary, you tell us exactly what you want to do.

MR. FAYO: I need to get a variance for the lot width which is 102 x 73, the side yard pick up two feet, 14 feet and then total square footage of missing like 1,800, excuse me, 18,000 square feet just to put a single family residence, that's all.



MR. KANE: Cutting down any trees substantial, vegetation in the building of this house?

MR. FAYO: No, the lot's pretty clear already.

MR. KANE: Creating any water hazards on runoffs?

MR. FAYO: No.

MR. KANE: Any easements running through where you want to place the building?

MR. FAYO: No.

MR. KANE: Would it be a true statement to say that anywhere on this lot that you place this home you would need a variance?

MR. FAYO: Yes.

MR. KANE: Looking at it?

MR. FAYO: Yes, you see the map?

MR. KANE: These are the minimum variances that you need?

MR. FAYO: Yes.

MR. KANE: Any further questions from the board right now? At this point, I'll take it to the public, ask if there's anybody here for this particular hearing? If there's not, we'll close the public portion of the hearing and ask Nicole how many mailings we had.

MS. JULIAN: On January 26, 2010, we mailed out 10 addressed envelopes with no written response.

MR. KANE: We'll bring it back to the board for any further questions.

MR. BEDETTI: How long have you owned this property cause this is your property?

MR. FAYO: I tried to purchase it in '03, it went through an estate, I finally closed on it in November of '09. I had recently had a variance on it back in '03-04 when I tried to purchase the first time I went for one then I received one but I could not close due to the passing of one of the owners.

MR. BEDETTI: At the time that the variance was issued on the first application, was that under the same code that we currently are measuring this against or was that on the earlier code?

MR. FAYO: That I do not remember.

MR. BEDETTI: When was that?

MR. FAYO: '03-04.

(Whereupon, Mr. Dittbrenner entered the room.)

MR. KANE: Further questions?

MR. KRIEGER: You're proposing to build a one family residence in a neighborhood of one family residences?

MR. FAYO: Yes, that's correct.

MR. DITTBRENNER: I'm okay.

MR. KANE: Any further questions from the board? I'll take a motion.

MR. BEDETTI: Well, I'll make a motion that we grant a variance for Classic Home Builders for a request for existing building lot that does not meet minimum lot size, lot width or side yard at 244 Bull Road in an R-1

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zone.

MR. DITTBRENNER: Second that.

ROLL CALL

MR. BEDETTI	NO
MR. TORPEY	AYE
MR. DITTBRENNER	AYE
MR. KANE	AYE

MR. KANE: Motion passes three to one.

MR. FAYO: Thank you.

JERRY\_SABINI\_(10-04)

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MR. KANE: Tonight's next public hearing is Jerry Sabini request for proposed dwelling that will be 28 foot to the rear lot line. Required rear lot is 50 feet. A variance of 22 feet is required at 615 Mt. Airy Road in an R-3 zone.

Mr. Jerry Sabini appeared before the board for this proposal.

MR. SABINI: My name is Jerry Sabini, good evening everyone. I bought a house at 692 Mt. Airy Road--

MR. KANE: Excuse me one second, Jerry. Is there anybody here for this particular hearing? Okay, thanks.

MR. SABINI: I bought a house on 692 Mt. Airy Road 45 days ago, it was section, block and lot the one I'm applying for the variance for. The problem is it's a half acre and I need 28 foot in the rear. I'm a little short so I have a site plan that I got that I had done and it meets all the other requirements except for the rear yard, that's pretty much it. I want to build a single-family home on the lot.

MR. KANE: Cutting down any trees, substantial vegetation in the building of this?

MR. SABINI: What I did is I cleaned up the one house cause it had trees growing over the house, it was a disaster. When the tree guy was there, I sent him into the next lot, he cut down probably, I don't know, maybe four trees, if that. And while he was there, I said send those to the shredder, they were dead anyway. I have to get rid of them to build a house.

MR. KANE: Creating any water hazards or runoffs?

MR. SABINI: No. Actually, I slope down so the back of the house will have a walk-out basement so no.

MR. KANE: Any easements running through where you propose the house?

MR. SABINI: The one next door neighbor, I forgot the guy's name, when he bought his house, his driveway cuts through it and I told him I think the lawyer will charge a few hundred dollars to do an easement or right-of-way and I'll give it to him, he doesn't have to pay me any money.

MR. KANE: Not going where the dwelling is?

MR. SABINI: No, no, no but his driveway's at the far corner, doesn't matter to me but I'm not going to give him a hard time cause his driveway's on my land. I'm not going to do that one.

MR. KANE: Approximate size of the home?

MR. SABINI: It's 2,100 square foot Colonial.

MR. KANE: Actual measurements?

MR. SABINI: It's 48 x 28.

MR. KANE: So about 28 wide, that's about as small as you can get so--

MR. SABINI: Yeah, I think it was 26 foot foundation and then there's an overhang on the back so it's 28 foot.

MR. KRIEGER: Size and appearance with other houses in the neighborhood, it's consistent in size?

MR. SABINI: Definitely, the one next to me is only about 850 square feet so it's a tiny house but I'm, I

just put a new roof, sky lights, I did the whole thing, I'm going to make it look brand new so I can resell it for the mid twos and then this will be in the high twos. Behind me I think is Cavalari's farm, he has 180 acres so I'm not, like I'm not any type of runoff or anything is not going to affect anybody. Well, the one house I own and the other one he's above me so I'm not going to affect him either.

MR. KANE: Okay, at this point, we'll open it up to the public again and ask if there's anybody here for this hearing? Seeing as there's not, we'll bring it back and ask Nicole how many mailings.

MS. JULIAN: On the 26th day of January, 2010, I mailed out 11 addressed envelopes with no written response.

MR. KANE: We'll bring it back to the board for further questions.

MR. DITTBRENNER: Mr. Chairman, two questions, when you talk about runoff not affecting anybody because there's 180 acres of undeveloped land, is there going to be any runoff affecting that land because although it's not currently developed, it may be developed five years, 10 years, whatever, do you foresee any runoff or drainage issues as a result of this building?

MR. SABINI: No, it's flat, it's flat for about I would say where the rock wall is if you look at the site plan I would say for at least 200 feet it's flat and low. So like if Cavalari I think he has site plan approval if he ever develops that he's not having homes in that area, that's like a buffer between my end of my lot where the rock wall is to where he even starts.

MR. DITTBRENNER: But--

MR. SABINI: It's not like I'm going to build a house and flood someone else.

MR. DITTBRENNER: So your answer is you don't foresee any runoff or drainage issues as a result of this building?

MR. SABINI: No way, not from one house, no, no.

MR. DITTBRENNER: The driveway, the right-of-way, the easement, has that been formally ratified?

MR. SABINI: No, I already talked to him actually believe it or not his driveway is on the lot and I don't know, somebody messed up his title insurance and I told them whatever the lawyer charges \$3,500, you just pay for that and you can have that piece of land, you can have the right-of-way and he was grateful for it.

MR. KANE: That's nothing we have to address.

MR. SABINI: I'm not going to give him a hard time, I don't want his little spot there, you know, it's not going to affect me.

MR. KANE: Further questions?

MR. BEDETTI: Yes, I think I asked you this last time on the back side where you're looking for the variance you said Cavalari's property?

MR. SABINI: I think it's Frank's, yeah.

MR. BEDETTI: Is that wetlands?

MR. SABINI: Well, it's a low spot so it's been the wintertime but--

MR. KANE: Do you know if it's a certified wetland?

MR. SABINI: I don't know if it's been delineated, I

have no idea.

MR. BEDETTI: It's not in the hundred foot zone protecting anything?

MR. SABINI: No, I don't think so, that would be something Frank would have to do to get final but I'm not going to affect his land anyway, I mean, my rock wall stops, I don't know if it's state or federal wetlands, I don't know if you can disturb up to one inch or not, I'm not going to go over the rock wall.

MR. BEDETTI: I guess what I'm getting to is the, well, the land does not extend up over on your property?

MR. SABINI: No way, no, no.

MR. KANE: Further questions? If not, I'll accept a motion.

MR. DITTBRENNER: Mr. Chairman, I move that we approve the request of Jerry Sabini for a rear yard setback variance of 22 feet.

MR. BEDETTI: I'll second it.

ROLL CALL

MR. BEDETTI	AYE
MR. TORPEY	AYE
MR. DITTBRENNER	AYE
MR. KANE	AYE

MR. SABINI: Thank you very much.



RAYMOND\_YANNONE\_III\_(10-01)

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MR. KANE: Tonight's next public hearing is Raymond Yannone III request for interpretation of an existing single-family house with two kitchens at 290 Riley Road. Good evening.

MR. YANNONE: Good evening.

MR. KANE: Same as the preliminary, state your name and address, tell us exactly what you want to do.

MR. YANNONE: Ray Yannone III, 290 Riley Road in New Windsor. I would like to add a second kitchen in an existing single-family home. I have a wet bar downstairs I'd like to convert to a kitchen.

MR. KANE: The home is a single-family home and will always be used as a single-family home?

MR. YANNONE: Yes, sir.

MR. KANE: No exterior changes, this is just going to be for the kitchen inside the house, a second kitchen?

MR. YANNONE: Yes.

MR. KANE: Your intent is to use this as a second kitchen and not as a rental unit downstairs?

MR. YANNONE: Yes.

MR. KANE: The gas and electric coming into the home will remain on one meter?

MR. YANNONE: Yes, there's going to be no changes except for all I'm doing is adding an electric oven which is the only change to the whole house.

MR. KANE: At this point, I'll ask if there's anybody

in the audience for this particular hearing? Seeing as there's not, we'll ask Nicole how many mailings we had.

MS. JULIAN: On the 27th day of January, 2010, I mailed out 19 addressed envelopes with no written response.

MR. KANE: We'll bring it back to the board for further questions. Okay, we covered the power going into the house, we covered the intent to keep it as a single-family home with no rental, since it's all interior work, nothing exterior, don't have to do anything with vegetation or water or easements. Any further questions from the board?

MR. BEDETTI: Was that second area going to be occupied?

MR. YANNONE: Just by family and friends like it's been since I originally built the house. My brother is actually the one who's living down there currently and will continue to stay down there.

MR. BEDETTI: Your brother?

MR. YANNONE: Yes.

MR. DITTBRENNER: Has it previously been rented to anybody outside of the immediate family?

MR. YANNONE: It was rented to my girlfriend's sister who I was with for a long time and she was the one who was staying there for the past two years.

MR. DITTBRENNER: So it previously had been treated as rental property--

MR. KRIEGER: And will--

MR. DITTBRENNER: Can I ask the question? And will it ever be treated as rental property again? Your

statement is no, it's not going to be treated as--

MR. YANNONE: Nobody outside the family or friends will be staying down there.

MR. KANE: Further questions? I'll accept a motion.

MR. TORPEY: I'll make a motion that we grant Raymond Yannone the variance as requested.

MR. KANE: Do you guys have further questions?

MR. DITTBRENNER: I'll second it.

MR. KANE: So we have a clear understanding, all applications and considerations by us have to be made in the affirmative, doesn't mean you have to vote that way.

MR. DITTBRENNER: Right, you have a second.

MR. KANE: Roll call.

ROLL CALL

MR. BEDETTI	NO
MR. TORPEY	AYE
MR. DITTBRENNER	NO
MR. KANE	AYE

MR. KANE: Two to two, you lose, application denied.

MR. YANNONE: Alright, thank you.

JIM\_MORONEY\_(09-38)

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MR. KANE: Next public hearing is Jim Moroney request for six existing wall signs which exceed the maximum number of signs permitted and exceeds maximum height and width permitted at 833 Union Avenue in a C zone.

Mr. Pat Moroney and Ms. Liisa Probst appeared before the board for this proposal.

MR. KANE: Tell us exactly what you want to do.

MR. MORONEY: I have existing signs on the building, I'm just getting variances just to get the building up to code. They're required by our franchises to have a certain sign.

MR. KANE: How long have the signs been up there?

MR. MORONEY: Two years, well, there's some been longer, some two years, some 10 years, some six years.

MR. KANE: Have there been any complaints about the signs formally or informally?

MR. MORONEY: Not that I'm aware of.

MR. KANE: Any flashing illumination from the signs?

MR. MORONEY: They're illuminated but they don't flash.

MR. KANE: They're a steady illumination so not distracting to anybody driving down 300?

MR. MORONEY: I don't think so.

MR. KANE: And each one of the signs is from a separate manufacturer that you represent?

MR. MORONEY: Yes, and that's required.

MR. KANE: Approximately, how many feet off of the road is the front of the building?

MR. MORONEY: Probably, 80 feet.

MR. KANE: At this point, I will open it up to the public, ask if there's anybody here for this particular hearing. Yes? She's just going to get a sign-up there for your name and address on it. Sir, you can just stand up, state your name and address and ask a question.

MR. MARCINIAK: My name is Richard Marciniak, I represent AG Welding Supply and Mr. Fenderlin (phonetic), we have the property next door to the, we're between Moroney's and the Mobil Station. And Mr. Fenderlin is out of town and he asked me to come down and see what this is all about. We thought it was a new sign that you wanted to put up but it's the existing signs that are on the building. We certainly have no objections to that at all.

MR. KANE: Okay, thank you. Is there anybody else for this particular hearing? Seeing as there's not, we'll close the public portion of the hearing and ask Nicole how many mailings we had.

MS. JULIAN: On the 27th day of January, 2010, we mailed out 11 addressed envelopes with no written responses.

MR. KANE: Bring it back to the board for any further questions. Go ahead.

MR. BEDETTI: I have a question. What are the ramifications of in the event this were to be denied and you say that your supplier requires that you have, I don't know what the requirements are other than you advertise their product.

MS. PROBST: We'd be breaking contract, as a small business owner clearly that supports small business owners in this area, it would probably it would hurt our business. We would have to alleviate that franchise from our business and right now we currently own six franchises so and quite a few people do shop at our store locally and again it would hurt business so--

MR. BEDETTI: And just thank you but I have an issue with a company, a supplier demanding that you do something that violates the Town Code.

MS. MORONEY: I agree.

MS. PROBST: We understand, unfortunately franchises they work in such a fashion.

MR. BEDETTI: Certainly if you made enough sales for the company that they'd give you some relief from any--

MS. PROBST: Just like Subway, if you want a Subway franchise, you have to attend the school to learn how to make a sandwich for \$4,000. It's a franchise. We support local business and as the public supports our local business and people seem to be pretty happy with it so--

MR. KANE: The signs that are existing, are they the minimum size that the franchise is allowed?

MS. PROBST: Yes, we're not planning on putting any up at all.

MR. MORONEY: We took some down.

MS. PROBST: If you look at my jacket, we have on the new building Harley is separate clearly and on our new building which is the building in question it's just small signs that say Ski-Doo, Honda, KTM, Yamaha and

Bombardier, yeah, so they're all placed around and there will be no more signs put up on the buildings as far as advertising the products we sell so--

MR. DITTBRENNER: If I recall, the new building is set back further from the existing building as well so from the road setback standpoint for traffic they're further back than the existing building.

MS. PROBST: And they're not illuminated.

MR. MORONEY: That building has already been approved I think so I think the signs in question are the ones on the older building.

MR. BEDETTI: So the new building smaller signs?

MR. MORONEY: I've got a C.O. and everything has been approved through the town.

MR. TORPEY: Yeah, we did all that.

MS. PROBST: Okay, I'm sorry.

MR. KANE: This is on the old building.

MR. MORONEY: This is on the old building.

MR. KANE: Further questions?

MR. DITTBRENNER: I would put forward a motion that we approve the variance requested by Moroney Cycle Shop as it relates to six existing wall signs exceeding the maximum number of signs permitted and exceeding the maximum height and width as permitted.

MR. TORPEY: I'll second that.

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MR. BEDETTI	NO
MR. TORPEY	AYE
MR. DITTBRENNER	AYE
MR. KANE	AYE



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DAVID\_&\_ROBERTA\_SHORT\_(10-06)\_CONTINUED

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MR. KANE: David and Roberta Short one more time.  
David and Roberta Short? Nobody here, okay.

PATRICK\_TORPEY\_(09-37)

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MR. KANE: Patrick Torpey request for a variance for an existing garage that projects nearer to the street than the existing house at 25 Blooming Grove Turnpike.

(Whereupon, Mr. Torpey stepped down from the board to present his proposal.)

MR. TORPEY: I want to build this big, big garage at my house two feet thick, 44 x 28.

MR. KANE: Did we ever get an answer from the building department on that being below ground actually?

MR. TORPEY: Yeah, they said let's go through with it.

MS. JULIAN: It is a building.

MR. KANE: That it is a building.

MR. DITTBRENNER: Did constitute a building.

MS. GALLAGHER: Yes.

MR. TORPEY: I brought pictures but it shows nothing.

MR. KANE: It shows the ground. Creating any water hazards or runoffs with your garage?

MR. TORPEY: No.

MR. KANE: Do you know how long that particular building that's been in existence?

MR. TORPEY: About 200 years, I'd say 150 years.

MR. DITTBRENNER: No.

MR. TORPEY: Okay, how long?

MR. DITTBRENNER: It was built in 1901, it's not 200 years.

MR. TORPEY: I've got plans on the building for the 1800s.

MR. KANE: So over 100 years old.

MR. TORPEY: I guess, I can't count right but yes, over 100 years.

MR. KANE: Obviously, you're not cutting down any trees, substantial vegetation around there?

MR. TORPEY: No.

MR. KANE: Any easements running through the area where that building is?

MR. TORPEY: No.

MR. KANE: And for the record, can you describe what it looks like so from the front and the back you have a grassy knoll with a garage underneath it? Just so we have it on the record.

MR. DITTBRENNER: Your definition of a box, concrete.

MR. TORPEY: Cement, lots of cement.

MR. KANE: What do you see when you're driving passed our house?

MR. TORPEY: The river.

MR. KANE: Come on, Pat, give me something to work with here. We're talking about the garage, tell me what's on the ground, tell me what's above it please.

MR. TORPEY: You can see the top of it, the roof I uncovered it to seal it.

MR. KANE: And then if I remember the preliminary correctly you're going to be putting dirt back on top of it?

MR. TORPEY: Yes.

MR. KANE: So normally you would see a grassy area that's all you would see in that, you wouldn't see a building from the street?

MR. TORPEY: There's still trees and shrubbery kind of on it.

MR. KANE: Nobody would know the building's there if they didn't actually know it was there by driving by?

MR. TORPEY: Not at all.

MR. KRIEGER: The garage opening faces away from the road?

MR. TORPEY: Yes, the opposite side.

MR. KANE: At this point, I'll open it up to the public, ask if there's anybody here for this particular hearing? You only get one shot to speak. Are you done with your questions?

MS. WRIGHT: Mary Ellen Wright, 41 Blooming Grove Turnpike, New Windsor, New York. I'm Pat's neighbor. I have no objection to the existing structure if we can just make it a little more aesthetically pleasing since you're going to put dirt on the top and plant pretty posies.

MR. TORPEY: I have to get it approved first.

MS. WRIGHT: I understand that, no, it's a pre-existing structure, it's been there forever. I looked at the house before Pat bought it and we saw the mound but we didn't dig so--

MR. KANE: Pat has stated from the beginning he's doing some repairs, his intention is to put the dirt back.

MS. WRIGHT: Only other concern, normally a garage would have power and some source of heat so I'm not sure what you're doing in terms of heat.

MR. TORPEY: When I was energetic I used to run a little wood stove but I'm not energetic anymore.

MS. WRIGHT: Power, that would be inspected?

MR. KANE: Absolutely. Just because we approve something doesn't mean that it bypasses any requirements from the building department. The building department will go out and inspect whatever it is that we're talking about, whether it be a kitchen, a deck, a garage and you have to pass all those inspections to get your C.O. which you still have to get so us giving an approval is by no means a green flag.

MR. TORPEY: They're only doing this because the building is closer to the road than my existing house.

MS. WRIGHT: I have no objection to it.

MR. KANE: Anything else has to be done by the building department and that has to be approved by them.

MS. WRIGHT: Okay, that's all the questions I have.

MR. KANE: Any further questions? We'll close the public portion and bring it back and ask how many mailings we had from Nicole.

MS. JULIAN: On the 27th day of January, 2010, I mailed out 29 addressed envelopes with no written response.

MR. KANE: Bring it back to the board for further questions.

MR. BEDETTI: I'll make a motion that we grant the request for a variance for an existing garage that projects closer to the street than existing house at 25 Blooming Grove Turnpike in an R-4 zone.

MR. DITTBRENNER: I'll second that.

ROLL CALL

MR. BEDETTI	AYE
MR. DITTBRENNER	AYE
MR. KANE	AYE

FORMAL DECISIONS

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MARY ANN CORBETT  
SONIC DRIVE-IN  
LYNETTE MITCHELL & ALDRIC CARTHENS  
DAVID & PHYLLIS CHAPMAN  
ARGENIO BROTHERS

MR. KANE: Formal decisions to vote on and would you like to take them all in one?

MR. DITTBRENNER: Mr. Chairman, I would move that we approve the formal decisions as identified on the agenda of Corbett, Sonic Drive-In, Mitchell and Carthens, Phyllis Chapman and Argenio Brothers that we approve them in one vote.

MR. BEDETTI: I'll second that.

ROLL CALL

MR. BEDETTI	AYE
MR. TORPEY	AYE
MR. DITTBRENNER	AYE
MR. KANE	AYE

MR. KANE: Motion to adjourn?

MR. TORPEY: So moved.

MR. DITTBRENNER: Second it.

ROLL CALL

MR. BEDETTI	AYE
MR. TORPEY	AYE
MR. DITTBRENNER	AYE

February 8, 2010

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MR. KANE

AYE

Respectfully Submitted By:

Frances Roth  
Stenographer



